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17 *Attorneys for Plaintiffs*
18 *Nanya Technology Corp. and*
19 *Nanya Technology Corp. U.S.A.*

FILED

DISTRICT COURT OF GUAM

JUN 22 2007

MARY L.M. MORAN
CLERK OF COURT

14 **IN THE DISTRICT COURT OF GUAM**

15
16 NANYA TECHNOLOGY CORP. and
17 NANYA TECHNOLOGY CORP. U.S.A.

No. CV-06-00025

18 Plaintiffs,

19 vs.

20 FUJITSU LIMITED and FUJITSU
21 MICROELECTRONICS AMERICA,
22 INC.

**DECLARATION OF
PETER DUANE CRUZ**

Defendants.

23 I, Peter Duane Cruz, declare under penalty of perjury that the following statements are
24 true and correct.

25 1. I am over the age of eighteen years, a resident of Guam and not an interested
26 party in the above-captioned matter.

27 2. I am the Assistant Manager and the Procurement Manager at Toys N' Joys, an

electronics and children's store located in Harmon, Guam.

3. On June 9, 2006, I received the first version of the Nintendo DS Lite which originally came in one color, that being white. On or about that date, Toys N' Joys offered the Nintendo DS Lite for sale.

4. On December 15, 2005, in anticipation of the Christmas rush for electronics, I received and offered for sale the Sony PlayStation Portable.

5. In or about September of 2006, I received and offered for sale the new colors made available by Nintendo, that being pink and black.

6. Attached as exhibit "A" are true and correct copies of Invoices and other documents showing purchase and receipts of products on Guam.

I declare under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct

DATED at Hagåtña, Guam, this 22nd day of June, 2007.


PETER DUANE CRUZ

EXHIBIT A

Regular

Item #	Dept	Vendor	Description 1	Attribute	Size	New Qty	Old Qty
5481	SYS			SYS		24	0

Old Cost:	\$0.00	New Cost:	\$3,108.00	Cost Difference:	\$3,108.00
Old Quantity:	0	New Quantity:	24	Quantity Difference:	24

Regular

Item #	Dept	Vendor	Description 1	Attribute	Size	New Cost	Old Cost
5174	SYS			PSP		\$199.99	\$0.00

Old Cost \$0.00 New Cost \$0.00 Cost Difference: \$0.00
